

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**
**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

Name of U.S. District Court: Northern District of California (San Francisco)

U.S. District Court case number: 3:20-CV-03754-VC

Date case was first filed in U.S. District Court: 6/5/2020

Date of judgment or order you are appealing: 2/21/2024

Fee paid for appeal? (*appeal fees are paid at the U.S. District Court*)

☒ Yes ☐ No ☐ IFP was granted by U.S. District Court

List all Appellants (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

SIMON AND SIMON, PC d/b/a CITY SMILES,
VIP DENTAL SPAS,
individually and on behalf of all others similarly situated.

Is this a cross-appeal? ☐ Yes ☒ No

If Yes, what is the first appeal case number?

Was there a previous appeal in this case? ☒ Yes ☐ No

If Yes, what is the prior appeal case number? 23-4153

Your mailing address:

Berger Montague PC

505 Montgomery Street, Suite 625

City: San Francisco

State: CA

Zip Code: 94111

Prisoner Inmate or A Number (if applicable):

Signature /s/ Joshua P. Davis

Date 3/19/2024

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List *each* party filing the appeal, do not use “et al.” or other abbreviations.)

Name(s) of party/parties:

SIMON AND SIMON, PC d/b/a CITY SMILES,
VIP DENTAL SPAS,
individually and on behalf of all others similarly situated.

Name(s) of counsel (if any):

Joshua P. Davis
Hope E. Brinn

Address: Berger Montague PC 505 Montgomery St Ste 625 San Francisco, CA 94111

Telephone number(s): 415-689-9292

Email(s): jdavis@bm.net, hbrinn@bm.net

Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellee(s) (List *only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.*)

Name(s) of party/parties:

ALIGN TECHNOLOGY, INC.

Name(s) of counsel (if any):

James M. Pearl
Emma Farrow

Address: Paul Hastings LLP 1999 Ave of the Stars 27th Fl Los Angeles, CA 90067

Telephone number(s): 310-620-5700

Email(s): jamespearl@paulhasting.com, emmafarrow@paulhastings.com

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

SIMON AND SIMON, PC d/b/a CITY SMILES, VIP DENTAL SPAS,
individually and on behalf of all others similarly situated.

Name(s) of counsel (if any):

Eric L. Cramer
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Is counsel registered for Electronic Filing in the 9th Circuit? ☒ Yes ☐ No

Appellees

Name(s) of party/parties:

ALIGN TECHNOLOGY, INC.

Name(s) of counsel (if any):

Thomas A. Counts

Address: Paul Hastings LLP, 101 California St, 48th Flr San Francisco, CA 94111

Telephone number(s): 415-856-7000

Email(s): tomcounts@paulhastings.com

Name(s) of party/parties:

See attached for additional counsel.

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

ADDITIONAL COUNSEL:

Appellants:

Name(s) of party/parties:

SIMON AND SIMON, PC d/b/a CITY SMILES, VIP DENTAL SPAS,
individually and on behalf of all others similarly situated.

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Appellees:

Name(s) of party/parties:

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Name(s) of counsel:

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